

Date: 6 May 2020

Your Ref:

Our ref: 200506 Williamson G/PR/LB

Rt Hon Gavin Williamson MP
Secretary of State
Department for Education
Sanctuary Buildings
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NASUWT

The Teachers' Union

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General Secretary
Dr Patrick Roach

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Dear Gavin,

In advance of our meeting today, I believe it is important that I set out the NASUWT's concerns to you regarding the management of schools during the ongoing Coronavirus emergency and with regard to the speculation on the relaxation of the current restrictions on school opening.

I have set out in previous correspondence to you a number of issues where the Union and our members continue to seek clear guidance and/or regulation from the Government to enable them to focus on the important task of supporting the learning of children and young people who are unable to be in schools and when looking after vulnerable children and children of key/critical workers who attend schools. I continue to welcome the regular dialogue with you and your officials in the period following the Government's decision to partially close all schools. However, we remain concerned that in a number of areas, further urgent action is required by your Department in response to concerns we have put to you, including the need to address adverse management practices in schools during the current crisis, and which continue to include:

- threats of salary deduction or dismissal of teachers who are unable to attend the workplace due to underlying health conditions, shielding or because they are pregnant or over 70;
- schools initiating redundancy and restructuring processes during the period of school closure and thereby denying access to meaningful consultation with staff and trade unions;
- independent schools initiating and fast-tracking processes to secure the withdrawal from the Teachers' Pension Scheme, again denying access to meaningful consultation with staff and trade unions;
- schools proceeding with disciplinary and other management procedures which are capable of being paused, and insisting on hearings being held in person and in the absence of effective social distancing measures;

- employers ending prematurely the contracts of teachers employed on fixed term contracts in order to save money;
- schools withdrawing job offers following the decision to partially close schools;
- schools seeking to undermine teachers' maternity or paternity rights by seeking to pressure teachers to prematurely start or end their maternity/paternity leave.

We are concerned that without action to address these unacceptable employer practices, any prospect of longer term sustainability of support for children and young people is being seriously compromised.

You will also be aware of the Union's ongoing concerns regarding:

- the wholesale lack of consistency concerning the practice of supply agencies and the application of the Coronavirus Job Retention Scheme (CJRS) to supply teachers, and which includes umbrella companies exploiting loopholes in CJRS and thereby reducing salary protection rights of supply teachers to 80% of National Minimum Wage;
- the need to pause or suspend the aspect of the 30th Remit to the School Teachers' Review Body which relates to major reform to the pay structure for classroom teachers;
- the continued lack of clarity regarding the application of GDPR subject access requests to centre assessed grades and rankings in respect of the summer 2020 examinations;
- the need to ensure that teachers who are subject to performance appraisal for the purpose of pay progression are not penalised as a result of the Government's decision to close schools and that they can continue to expect pay progress at the end of the current performance appraisal cycle.

We would welcome clarity from you on all of these matters.

In order to secure the confidence of the teaching profession, we have said that it is the primary responsibility of the Government to protect public health whilst also ensuring that the health and safety of teachers and other frontline workers is also protected. In reaching any decisions to reopen schools, the NASUWT once again urges you to ensure that such decisions are made on the basis of robust scientific evidence and, in order to ensure the health and safety of those working in schools, we must insist that you set out your plans to ensure that:

- (i) repurposed schools will be able to operate appropriately with regard to health and safety and other considerations, with significantly fewer staff available due to the impact of the Coronavirus and the need to protect those who are shielding or who are in vulnerable groups or who have underlying health conditions, as well as the potential impact arising from the Government's 'test, track and trace' programme.

- (ii) teachers are guaranteed fully the same protections as other workers, including ensuring that all schools and colleges adhere strictly to the UK Government published guidance.
- (iii) whilst the incidence of COVID-19 remains in the general population, teachers and others working in schools have access to PPE to ensure that they are protected from the spread of the virus as far as possible.
- (iv) schools are organised appropriately to ensure the practice of stringent two-metre social distancing.
- (v) COVID-19 risk assessments are undertaken appropriately and effectively in all settings prior to and during any phased reopening of schools, in consultation and agreement with the workforce and trade unions. In addition, your Department will need to set out its expectations in detail to ensure regular and effective cleaning and hygiene practices in schools prior to and following any reopening.

In the context of the increased speculation about the possible reopening of schools, we must also highlight to you the very serious concerns of teachers about any prospect of partially or fully reopening schools prematurely. Such speculation has given rise to deep anxiety for many teachers and parents.

Teachers are dedicated professionals who are committed to meeting the learning needs of children and young people. However, teachers cannot do this if their health and safety is put at risk or in circumstances where a teacher's health is perceived to be at risk of being compromised. The NASUWT has expressed to you previously the need for the Government to make clear, in consultation with the profession:

- the purpose for the reopening of schools;
- the priorities for reopening schools;
- a national plan for relaxing the current restrictions on the opening of schools which all schools must follow;
- what schools must do in practical terms in order to prepare for reopening.

Parents and pupils must also have time to prepare.

However, it has become increasingly clear, especially in the absence of clarity in respect of the above matters, that the suggestion by some of an arbitrary date of 1 June for the reopening of schools is wholly premature. With the highest COVID-19 mortality rates in Europe, it is clear that the Government must continue to adopt an extremely cautious approach which does not contribute to further deaths and a further intensive wave of spread of the virus in the UK.

The Government's COVID-19 response must remain proportionate to the ongoing public health emergency and the NASUWT recognises the absolute need to maintain efforts to suppress the virus. In this context, the NASUWT is firmly of the view that changing the current restrictions on the opening of schools would be highly premature and extremely damaging.

Schools must be reopened only when it is safe to do so. In view of the continued and pressing public health challenges and the considerable task that will be required to ensure that every school is ready to admit increased numbers of children and adults into safe learning and working environments, the NASUWT urges the Government to end speculation on the reopening of schools beyond the current restrictions prior to September 2020.

I trust that these proposals will be considered positively and I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Roach', with a long horizontal flourish extending to the right.

Dr Patrick Roach
General Secretary